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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 SANDRA L. FERGUSON,
9 Plaintiff/Counter-Defendant,

10 v.

11 BRIAN J. WAID, et. al.,
12 Defendants/Counter-Plaintiff.

13 NO. C17-1685 RSM

14 STIPULATED PROTECTIVE ORDER
15 RE SUPPLEMENTAL
16 PROCEEDINGS

17 **I. Purposes & Limitations.** The parties anticipate that the supplemental
18 proceedings phase of this matter will involve disclosure of confidential or private
19 information, including bank account numbers, for which special protection is
20 warranted. Accordingly, the parties stipulate to and petition the court to enter the
21 following Stipulated Protective Order. The protection it affords from public
22 disclosure and use extends only to the certain documents and information identified
23 below that Plaintiff/Counter-Defendant Sandra Ferguson produced or will produce
24 in compliance with the Court's supplemental proceedings order, Dkt #207
25 (hereinafter "the Order"). This protection does not presumptively entitle the parties
26 to file confidential information under seal.

27 **II. Confidential material.** "Confidential" material is protected.
28 "Confidential" material shall include the following documents produced by Ms.

STIPULATED PROTECTIVE ORDER RE:
SUPPLEMENTAL PROCEEDINGS-1

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1 Ferguson:

- 2 (a) Financial statements for all bank accounts and safe deposit boxes, as
3 described in paragraph 3)a. of the Order;
- 4 (b) The personal income tax returns for Judgment Debtor for the last five
5 years, including any returns or other tax documents related to Judgment Debtor's
6 law firm, as described in paragraph 3)b. of the Order; and
- 7 (c) Non-privileged documents reflecting legal services provided by the
8 Judgment Debtor or her law firm as well as payments received for legal services
9 since January 1, 2014, including all retainer agreements, as described in paragraph
10 3)i. of the Order.

11 **III. Scope.** The protections conferred by this agreement cover not only
12 confidential material (as defined above), but also (1) any information copied or
13 extracted from confidential material; (2) all copies, excerpts, summaries, or
14 compilations of confidential material; and (3) any testimony, conversations, or
15 presentations by parties or their counsel that might reveal confidential material.
16 However, the protections conferred by this agreement do not cover information that
17 is in the public domain or becomes part of the public domain through court hearings.

18 **IV. Access To and Use of Confidential Material.** The Judgment Creditor
19 is Defendant/Counter-Plaintiff Brian Waid. The Judgment Debtor is Sandra
20 Ferguson. The Order granted Judgment Creditor's motion for supplemental
21 proceedings and required Judgment Debtor to provide certain information and
22 produce certain documents to Judgment Creditor.

23 The purpose of such [supplemental] proceedings is to
24 make the judgment debtor answer concerning the extent
25 and whereabouts of his or her property and, if possible, to
26 enable the judgment creditor to locate nonexempt property

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28 STIPULATED PROTECTIVE ORDER RE:
SUPPLEMENTAL PROCEEDINGS-2

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1 belonging to the judgment debtor which may be applied
2 on the debt.

3 *Rainier Nat'l Bank v. McCracken*, 26 Wash. App. 498, 511, 615 P.2d 469 (1980).

4 In consideration of the purpose of these proceedings, the Judgment Creditor may
5 use the confidential material produced by Judgment Debtor, pursuant to the Court's
6 Order, solely for the purpose of 1) determining the extent and whereabouts of the
7 Judgment Debtor's property; 2) locating nonexempt property belonging to the
8 Judgment Debtor which may be applied on the debt set forth in the judgment in this
9 matter; and 3) collecting the money due to the Judgment Creditor. The confidential
10 material may not be used or published by the Judgment Creditor for any other
11 purpose.

12 Confidential material produced by the Judgment Debtor must be stored and
13 maintained by the Judgment Creditor at a location and in a secure manner that
14 ensures that access is limited to persons who are determining and locating the
15 Judgment Debtor's property and persons who are collecting the money due to the
16 Judgment Creditor, including the Judgment Creditor, his attorneys and their support
17 staff.

18 **VI. Unauthorized Disclosure Of Confidential Material.** If the Judgment
19 Creditor learns that, by inadvertence or otherwise, he has disclosed confidential
20 material to any person or in any circumstance not authorized under this agreement,
21 the Judgment Creditor must immediately (a) notify the Judgment Debtor in writing
22 of the unauthorized disclosures and (b) use his best efforts to retrieve all
23 unauthorized copies of the protected material. The Judgment Debtor may seek
24 relief from the Court as circumstances warrant.

25 **VII. Case Termination And Return Of Documents.** Within 60 days after
26 the judgment is satisfied, the Judgment Creditor must return all confidential
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28 STIPULATED PROTECTIVE ORDER RE:
SUPPLEMENTAL PROCEEDINGS-3

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1 material to the Judgment Debtor, including all copies, extracts, and summaries
2 thereof. Alternatively, the parties may agree upon appropriate methods of
3 destruction. Notwithstanding this provision, counsel are entitled to retain one
4 archival copy of all documents filed with the court, trial, deposition, and hearing
5 transcripts, correspondence, deposition and trial exhibits, expert reports, attorney
6 work product, and consultant and expert work product, even if such materials
7 contain confidential material. The confidentiality obligations imposed by this
8 agreement shall remain in effect until the parties agree otherwise in writing or a
9 court orders otherwise.

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11 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

12

13 DATED: March 20, 2019

14

/s/ John R. Muenster

John R. Muenster, WSBA 6237
Attorney for Plaintiff/Counter-
Defendant Sandra Ferguson

17 DATED: March 20, 2019

18

/s/ Jeffrey E. Bilanko

Jeffrey E. Bilanko, WSBA 38829

/s/ Susan K. Kapan

Susan K. Kaplan, WSBA 40985
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Attorneys for Defendant/Counter-
Plaintiff Brian Waid

26 PURSUANT TO STIPULATION, IT IS SO ORDERED

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28 STIPULATED PROTECTIVE ORDER RE:
SUPPLEMENTAL PROCEEDINGS-4

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1 IT IS FURTHER ORDERED that pursuant to Fed. R. Evid. 502(d), the
2 production of any documents in this proceeding shall not, for the purposes of this
3 proceeding or any other federal or state proceeding, constitute a waiver by the
4 producing party of any privilege applicable to those documents, including the
5 attorney-client privilege, attorney work-product protection, or any other privilege
6 or protection recognized by law.

7

8 DATED this 22nd day of March 2019.

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12 RICARDO S. MARTINEZ
13 CHIEF UNITED STATES DISTRICT JUDGE
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28 STIPULATED PROTECTIVE ORDER RE:
SUPPLEMENTAL PROCEEDINGS-5

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